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FISCAL IMPACT STATEMENT

LS 7178

BILL NUMBER: HB 1197

NOTE PREPARED: Feb 26, 2004

BILL AMENDED: Feb 4, 2004

SUBJECT: Admissibility of Videotape of a Senior Citizen.

FIRST AUTHOR: Rep. Dickinson

FIRST SPONSOR: Sen. Bray

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It expands the class of criminal cases in which an individual's statement or videotape may be admissible to include certain crimes committed against an individual who is at least 18 years of age and considered a protected person because of the individual's incapacity to manage or direct the management of the individual's property or to provide or direct the provision of the individual's self care.
- B. It provides that a statement or videotape made by the protected person is admissible in certain criminal trials if: (1) the statement or videotape is reliable; and (2) the individual either testifies at trial or is unavailable.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Under current law, a protected person is defined as being younger than 14 years of age or being a mentally disabled individual. If a protected person testifies outside the presence of a jury and with the accused person allowed to be present at the hearing and the session is videotaped, then the protected person is not required to testify again and the videotaped testimony can be used instead. From the standpoint of court time, this provision gives the court more flexibility to schedule future hearings and to make more timely decisions because the court will not have to depend on the attendance of the protected person in a future hearing. This procedure is currently allowed in the following types of criminal cases: sex crimes, battery, kidnapping and confinement, incest, neglect of a dependent, or an attempt to commit

any of these offenses.

This bill could increase court flexibility in two ways:

- By allowing persons over 18 years of age who have been determined by the court to have a form of mental illness, retardation, dementia, or other mental or physical illness after the person has reached the age of 18 to testify before a court only once, if the testimony is videotaped; and
- By allowing this procedure in criminal cases involving exploitation of a dependent or endangered adult, a sex crime, battery, kidnaping confinement or interference with custody, home improvement fraud, fraud, identity deception, theft, conversion, or neglect of a dependent.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial Courts.

Information Sources:

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